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Agenda item 66

Elimination of racism, racial discrimination, xenophobia and related intolerance

Report of the Third Committee

Rapporteur: Mr. Asif **Garayev** (Azerbaijan)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session the item entitled:

> "Elimination of racism, racial discrimination, xenophobia and related intolerance:
>
> "(a) Elimination of racism, racial discrimination, xenophobia and related intolerance;
>
> "(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 67, entitled "Right of peoples to self-determination", at its 36th, 37th and 40th meetings, on 1 and 3 November 2010, and considered proposals and took action on the item at its 43rd, 46th, 48th and 52nd meetings, on 9, 16, 18 and 23 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/65/SR.36, 37, 40, 43, 46, 48 and 52).

3. For its consideration of the item, the Committee had before it the following documents:

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Item 66 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Report of the Committee on the Elimination of Racial Discrimination on its seventy-fourth and seventy-fifth sessions[1]

Report of the Committee on the Elimination of Racial Discrimination on its seventy-sixth and seventy-seventh sessions (A/65/18)[2]

Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/65/292)

Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/65/312)

Note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 64/147 (A/65/323)

Item 66 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/65/377)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/65/295)

4. At the 36th meeting, on 1 November, the Deputy Director of the Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/65/SR.36).

5. At the same meeting, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made a presentation and engaged in a dialogue with the representatives of Switzerland, Norway, Pakistan, Kenya, Singapore, Denmark, the Russian Federation, the Syrian Arab Republic, Brazil, the United States of America, Maldives and Algeria, as well as with the observer for the European Union.

6. Also at the 36th meeting, the Chair of the Committee on the Elimination of Racial Discrimination made a presentation and engaged in a dialogue with the representatives of Pakistan, Switzerland, Brazil, Norway and the Islamic Republic of Iran, as well as with the observer for the European Union.

7. At the same meeting, the Chair of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a presentation and engaged in an

[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 18* (A/64/18).
[2] Ibid., *Sixty-fifth Session, Supplement No. 18* (A/65/18).

interactive dialogue with the representatives of Cuba, Pakistan, China, the Russian Federation and South Africa.

8. At the 37th meeting, on 1 November, following a statement by the Chair (see A/C.3/65/SR.37), the Committee agreed to postpone the deadline for the submission of proposals under item 66 to Thursday, 4 November, at 6 p.m.

II. Consideration of proposals

A. Draft resolution A/C.3/65/L.50

9. At the 43rd meeting, on 9 November, the representative of the Russian Federation, on behalf of Angola, Belarus, Benin, Bolivia (Plurinational State of), Cuba, the Democratic People's Republic of Korea, Eritrea, Guinea, Kazakhstan, Kyrgyzstan, Myanmar, Nicaragua, the Russian Federation, the Sudan, Tajikistan, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe, introduced a draft resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" (A/C.3/65/L.50). Subsequently, Cape Verde, the Central African Republic, Côte d'Ivoire, Ethiopia, Gabon, India, Iraq, Namibia, Nigeria, Seychelles and Viet Nam joined in sponsoring the draft resolution.

10. At the 46th meeting, on 16 November, the representative of the Russian Federation orally revised the draft resolution as follows:

(a) In operative paragraph 24, after the words "Expresses its appreciation to those Governments", the words "and non-governmental organizations" were deleted;

(b) A new operative paragraph was inserted after operative paragraph 24, reading:

> "*Also expresses its appreciation* to representatives of civil society for their contribution to the fight against racism, racial discrimination, xenophobia and related intolerance".

11. At the same meeting, a statement was made by the representative of Belarus (see A/C.3/65/SR.46).

12. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/65/L.50, as orally revised, by a recorded vote of 118 to 1, with 55 abstentions (see para. 27, draft resolution I). The voting was as follows:

In favour:

> Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic

of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Comoros, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

13. Before the vote, statements were made by the representatives of Belgium (on behalf of the European Union and associated countries) and the United States of America; after the vote, a statement was made by the representative of Switzerland (see A/C.3/65/SR.46).

B. Draft resolution A/C.3/65/L.53 and Rev.1

14. At the 43rd meeting, on 9 November, the representative of Slovenia, on behalf of Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, the Czech Republic, Denmark, El Salvador, Finland, Georgia, Greece, Guatemala, Hungary, Kazakhstan, Latvia, Luxembourg, Monaco, Montenegro, the Netherlands, Portugal, the Republic of Moldova, Romania, Serbia, Slovenia, Sweden, Switzerland, Thailand and the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "International Convention on the Elimination of All Forms of Racial Discrimination" (A/C.3/63/L.53), which read:

"*The General Assembly*,

"*Recalling* its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination, most recently resolution 63/243 of 24 December 2008,

"*Bearing in mind* the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

"*Reiterating* the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

"*Reiterating also* the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

"*Reaffirming* that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,

"*Mindful* of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

"*Emphasizing* the obligation of all States parties to the Convention to take legislative, judicial and other measures to secure full implementation of the provisions of the Convention,

"*Recalling* its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

"*Stressing* the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

"*Noting* that, as regards the biennium 2010-2011, the budgetary requirements related to the requested extension of meeting time will be met from within the approved budgetary provision and those for the biennium 2012-2013 will be dealt with in the context of the proposed programme budget for that biennium,

"*Noting also* the increasing number of requests for more meeting time from the human rights treaty monitoring bodies,

"I. Reports of the Committee on the Elimination of Racial Discrimination

"1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its seventy-fourth and seventy-fifth and its seventy-sixth and seventy-seventh sessions;

"2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, especially through the examination of reports under article 9 of the Convention, action on communications under article 14

of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

"3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

"4. *Expresses its concern* at the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

"5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

"6. *Also encourages* States parties to the Convention to take into account, in their nomination of members to the Committee on the Elimination of Racial Discrimination, that the Committee shall be composed of persons of high moral character, acknowledged impartiality and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience and to the equal representation of women and men, and that members shall serve in their personal capacity, and reiterates that, in the elections to the Committee, consideration shall be given to equitable geographical distribution in the membership and to the representation of the different forms of civilization and of the principal legal systems;

"7. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular with the Human Rights Council, its Advisory Committee and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and with intergovernmental organizations, as well as with non-governmental organizations;

"8. *Encourages* States parties to the Convention to continue to include a gender perspective in their reports to the Committee on the Elimination of Racial Discrimination, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

"9. *Calls upon* States parties to the Convention to include information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance in their national reports to the universal periodic review mechanism of the Human Rights Council, and encourages States parties to the Convention to take into account the relevant recommendations derived therefrom in strengthening the implementation of the Convention;

"10. *Notes with appreciation* the engagement of the Committee in the follow-up to the Durban Declaration and Programme of Action;

"11. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, including with a

view to further harmonizing the working methods of the treaty bodies, and encourages the Committee to continue its activities in this regard;

"12. *Welcomes*, in this regard, measures taken by the Committee to follow up on its concluding observations and recommendations, such as the appointment of a follow-up coordinator and the adoption of the guidelines on follow-up;

"13. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting as well as to solving the problem of the backlog of reports of States parties in an effective manner, including by identifying efficiencies and maximizing the use of their resources as well as learning and sharing best practices and experiences in this regard;

"14. *Notes* the persistent backlog of reports of States parties awaiting consideration, which prevents the Committee from considering the periodic reports of States parties in a timely manner and without undue delay;

"15. *Recalls* the decision by the General Assembly, in its resolution 63/243, to allow the Committee to meet twice a year for four weeks until the end of 2011, and notes the request of the Committee that the Assembly extend the authorization of the per session meeting time starting in 2012;

"16. *Welcomes* the evaluation of the use of additional meeting time by the human rights treaty bodies, taking into account a more comprehensive approach to the backlog of human rights treaty bodies and the increasing number of reports of States parties to the human rights conventions prepared by the Office of the United Nations High Commissioner for Human Rights, and stresses its conclusion that the additional meeting time has allowed the Committee to reduce the backlog of reports and that a return to the normal three-week sessions would immediately increase the backlog, which would then have serious consequences for the effectiveness and credibility of the Committee;

"17. *Decides* to extend the authorization to the Committee to meet, on a temporary basis, starting from 2012 until the end of 2013, for four weeks per session;

"18. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session concrete proposals on the human rights treaty monitoring bodies, building on the work of the Secretary-General pursuant to Human Rights Council resolution 9/8 of 24 September 2008, to increase their effectiveness and to identify efficiencies in their working methods and costs in order better to manage their workloads and programmes of work, bearing in mind budgetary constraints and taking account of the varying burdens on each Committee;

"II. Financial situation of the Committee on the Elimination of Racial Discrimination

"19. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;

"20. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

"21. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992, endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

"22. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

"23. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-seventh session;

"III. Status of the International Convention on the Elimination of All Forms of Racial Discrimination

"24. *Commemorates* the forty-fifth anniversary of the adoption of the Convention on the Elimination of All Forms of Racial Discrimination, and takes this opportunity to call for the effective implementation of the Convention by all States parties to eliminate all forms of racial discrimination;

"25. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;

"26. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-three;

"27. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination;

"28. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action, and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

"29. *Urges* all States that have not yet become parties to the Convention to ratify or accede to it as a matter of urgency;

"30. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

"31. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at fifty-four, and requests States parties that have not yet done so to consider making that declaration;

"32. *Invites* the Chairperson of the Committee on the Elimination of Racial Discrimination to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-seventh session under the item entitled 'Elimination of racism, racial discrimination, xenophobia and related intolerance';

"33. *Decides* to consider, at its sixty-seventh session, under the item entitled 'Elimination of racism, racial discrimination, xenophobia and related intolerance', the reports of the Committee on its seventy-eighth and seventy-ninth and its eightieth and eighty-first sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention."

15. At its 48th meeting, on 18 November, the Committee had before it a revised draft resolution entitled "International Convention on the Elimination of All Forms of Racial Discrimination" (A/C.3/65/L.53/Rev.1), for which the Secretary read out a statement of programme budget implications.

16. At the same meeting, the representative of Slovenia orally revised operative paragraph 15 of the draft resolution by deleting the words "and 2013" after the words "in 2012".

17. Subsequently, Argentina, Brazil, Bulgaria, Canada, Chile, China, Costa Rica, Cyprus, Ecuador, Estonia, France, Germany, Honduras, Iceland, India, Ireland, Kyrgyzstan, Lithuania, Madagascar, Malta, Nicaragua, the Niger, Nigeria, Norway, Panama, Poland, the Republic of Korea, Slovakia, Spain, Timor-Leste, Turkey, Ukraine and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

18. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/65/L.53/Rev.1, as orally revised (see para. 27, draft resolution II).

19. After the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/65/SR.48).

C. Draft resolution A/C.3/65/L.60

20. At the 46th meeting, on 16 November, the representative of Yemen, on behalf of the States Members of the United Nations that are members of the Group of 77

and China, joined by Kazakhstan and the Russian Federation, introduced a draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/65/L.60), which read:

"*The General Assembly*,

"*Recalling* its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

"*Welcoming* the outcome of the Durban Review Conference convened in Geneva from 20 to 24 April 2009 within the framework of the General Assembly in accordance with its resolution 61/149 of 19 December 2006,

"*Recalling* its resolution 64/148 of 26 March 2010 in which, inter alia, it called for the 10-year commemoration of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

"*Noting* the approaching commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action in September 2011,

"*Underlining* the fact that the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, and encouraging States and communities to commemorate the tenth year anniversary in all regions through a wide range of activities,

"*Recalling* all of the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation to ensure the successful implementation of the Durban Declaration and Programme of Action,

"*Noting* Human Rights Council decision 3/103 of 8 December 2006, by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and deeply regretting the slow progress made in discharging its mandate,

"*Bearing in mind* the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,

"*Reiterating* that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development

and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

"*Convinced* that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

"*Underlining* the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

"*Expressing serious concern* at recent actions taken by some Member States to deport the Roma, which is a vulnerable ethnic minority, and urging States to fully implement their commitments and obligations under international law and relevant international human rights instruments,

"*Expressing concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and threat to social cohesion,

"*Alarmed* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Underlining* the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

"*Expressing grave concern* at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, particularly key paragraphs 157 to 159 of the Programme of Action,

"*Welcoming* the continued commitment of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

"*Welcoming also* the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth

sessions held from 5 to 16 October 2009 and from 11 to 22 October 2010, respectively, in particular the recommendation on the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,

"*Recognizing* the potential of sport as a universal language contributing to educating people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

"*Welcoming* the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and in Brazil, respectively, and stressing the importance of making continuing use of these events to promote understanding, tolerance and peace, and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

"I. General principles

"1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

"2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

"3. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

"4. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges vigorously with a view to preventing their practice and protecting victims;

"5. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, incitement to such hatred, racial profiling, propagating racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

"6. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

"7. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia

and related intolerance, thereby contributing to the prevention of human rights violations;

"8. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

"9. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

"10. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

"11. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

"12. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communication technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

"13. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

"14. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

"II. International Convention on the Elimination of All Forms of Racial Discrimination

"15. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the fight against racism, racial

discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

"16. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

"17. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest;

"18. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

"19. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

"20. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

"21. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

"22. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

"23. *Calls upon* Member States to ensure that their responses to the current financial and economic crisis should not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants, persons belonging to national, ethnic, religious and linguistic minorities all over the world;

"III. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

"24. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the recommendations contained therein;

"25. *Takes note* of the work done by the Special Rapporteur, and welcomes Human Rights Council resolution 7/34 of 28 March 2008, by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

"26. *Also takes note* of the reports of the Special Rapporteur, and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in the reports;

"27. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

"28. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

"29. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

"30. *Urges* the High Commissioner to continue to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

"31. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-sixth session;

"32. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

"33. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

"34. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination and related intolerance and to promote cultural, ethnic and religious diversity, and in that regard emphasizes the crucial role of education and a variety of awareness-raising measures which contribute to creating tolerant societies, where mutual understanding may be ensured;

"35. *Recommends* that all States give due attention to and closely monitor the way in which the concept of national identity is debated within

their societies, so that this concept will not be used as a tool to create artificial differences among some groups of the population;

"36. *Expressing concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and threat to social cohesion and, in this context, notes the numerous human rights challenges in this regard;

"37. *Recommends* that States conduct human rights training for law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law;

"38. *Recommends* that States collect disaggregated data in order to design appropriate anti-racial discrimination legislation and policies and monitor their effectiveness, while abiding by some key principles, including self-identification, the right to privacy guaranteeing consent of the concerned in the design and implementation of the exercise;

"IV. Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference

"39. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

"40. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference and, in this regard, welcomes the steps taken by numerous Governments;

"41. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference of 2001;

"42. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"43. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

"44. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the

Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;

"45. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action;

"46. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

"47. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;

"48. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

"49. *Also acknowledges* that the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference are on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

"50. *Decides* to convene on 21 September 2011, a high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, at the level of Heads of State and Government;

"51. *Decides also* that the meeting will adopt a short and concise declaration aimed at mobilizing political will for the full and effective implementation of the Durban Declaration and Programme of Action and the outcome of the 2009 Durban Review Conference;

"52. *Invites* Member States, international and regional organizations, civil society, including non-governmental organizations, and other stakeholders to organize and support various high visibility initiatives, aimed at effectively increasing awareness at all levels, to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

"53. *Requests* the Secretary-General to establish a programme of outreach, with the involvement of Member States, United Nations funds and

programmes as well as civil society, including non-governmental organizations, to appropriately commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

"54. *Emphasizes* the critical importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization;

"55. *Welcomes* the decision of the Human Rights Council to convene a panel discussion during the high-level segment of its sixteenth session focusing on the full enjoyment of the human rights of people of African descent, to mark the International Year for People of African Descent;

"56. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action and encourages efforts to ensure its translation and wide dissemination;

"57. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Department of Public Information of the Secretariat to launch a public information campaign for the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, including wide distribution of user-friendly information materials through the United Nations system, inter alia, through United Nations information centres;

"58. *Welcomes* the decision of the Human Rights Council to dedicate part of the programme of work under item 9 at its seventeenth session to a discussion on, inter alia, best practices in the fight against racism, racial discrimination, xenophobia and related intolerance in the context of the tenth anniversary of the Durban Declaration and Programme of Action during the high-level segment of the General Assembly;

"59. *Welcomes also* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

"60. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up the World Conference and the Durban Review Conference;

"61. *Welcomes* the conclusions and recommendations of the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions, and their focus on the protection of children, migration and employment;

"62. *Calls upon* the Human Rights Council to ensure that the conclusions and recommendations of the Intergovernmental Working Group are brought to the attention of the relevant United Nations agencies for adoption and implementation within their respective mandates;

"63. *Invites* the Office of the United Nations High Commissioner for Human Rights, in accordance with paragraphs 136 and 137 of the outcome document of the Durban Review Conference, to establish an inter-agency task force, with the participation of representatives of relevant United Nations bodies and specialized agencies, as part of the continuing efforts to mainstream the effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference in the whole United Nations system;

"64. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

"65. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

"66. *Requests* the United Nations High Commissioner for Human Rights to undertake necessary steps with a view to enhance the work of the independent eminent experts and to inform the President of the Human Rights Council and the Secretary-General accordingly on such steps;

"67. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

"68. *Welcomes* the historic and unique dimension of the 2010 International Federation of Association Football World Cup in South Africa, which marked the first time this major sport event was held on the African continent;

"69. *Expresses serious concern* at recent incidents of racism at sporting events targeting, in particular, Africans and people of African descent, and recalling the need to reverse this legacy of racism;

"70. *Expresses its appreciation*, in this context, to the Fédération internationale de football association for the initiative to introduce a visible theme on non-racism in football, and invites the Fédération to continue with this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

"71. *Calls upon* States to take advantage of mass sports events as valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination;

"72. *Acknowledges* the guidance and leadership role of the Human Rights Council, and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference;

"73. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the necessary support in order for it to achieve its objectives in this regard;

"V. Follow-up activities

"74. *Strongly recommends* that future meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and that avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

"75. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the implementation of the present resolution, with recommendations;

"76. *Decides* to remain seized of this important matter at its sixty-sixth session under the item entitled 'Elimination of racism, racial discrimination, xenophobia and related intolerance'."

21. At the 52nd meeting, on 23 November, the representative of Yemen made oral revisions to the text of the draft resolution (see A/C.3/65/SR.52).

22. At the same meeting, the Secretary made a statement in connection with the programme budget implications of the draft resolution.

23. A statement was made by the representative of Belgium on behalf of the European Union (see A/C.3/65/SR.52).

24. Also at its 52nd meeting, the Committee adopted the draft resolution, as orally revised, by a recorded vote of 121 to 19, with 35 abstentions (see para. 27, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania,

Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Germany, Israel, Italy, Latvia, Lithuania, Marshall Islands, Netherlands, Poland, Romania, San Marino, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Japan, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, New Zealand, Norway, Papua New Guinea, Portugal, Republic of Korea, Republic of Moldova, Samoa, Serbia, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine.

25. Before the vote, statements were made by the representatives of Switzerland (also on behalf of Iceland, Liechtenstein, New Zealand and Norway), Israel, the United States of America and the Netherlands; after the vote, a statement was made by the representative of South Africa (see A/C.3/65/SR.52).

D. Draft decision proposed by the Chair

26. At its 52nd meeting, on 23 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/65/377) and the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/65/295) (see para. 28).

III. Recommendations of the Third Committee

27. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolution 7/34 of 28 March 2008,[6] as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008 and 64/147 of 18 December 2009 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008 and 64/148 of 18 December 2009, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[7] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009,[8] in particular paragraphs 11 and 54,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[7] See A/CONF.189/12 and Corr.1, chap. I.

[8] See A/CONF.211/8, chap. I.

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

Recalling that in 2010 the international community celebrated the sixty-fifth anniversary of victory in the Second World War, and welcoming in this regard the special solemn meeting of the sixty-fourth session of the General Assembly, held on 6 May 2010,

Recalling also that the sixty-fifth session of the General Assembly coincides with the sixty-fifth anniversary of the establishment of the Nuremberg Tribunal and the adoption of its Charter,

1. *Reaffirms* the relevant provisions of the Durban Declaration[7] and of the outcome document of the Durban Review Conference,[8] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 64/147;[9]

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintaining the fight against racism as one of the priority activities of her Office;

4. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[10]

6. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report;

7. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of

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[9] See A/65/323.

[10] United Nations, *Treaty Series*, vol. 1125, No. 17512.

All Forms of Racial Discrimination[3] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

8. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and poison the minds of young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the goals and principles of the Organization;

9. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased political and legal vigilance;

10. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

11. *Recalls* the recommendation of the Special Rapporteur, made in his latest report to the General Assembly, to introduce into domestic criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties, and encourages those States whose legislation does not contain such provisions to consider that recommendation;

12. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

13. *Emphasizes* the recommendation of the Special Rapporteur regarding the importance of history classes in teaching the dramatic events and human suffering that resulted from the ideologies of Nazism and Fascism;

14. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

15. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

16. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

17. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should the dissemination of ideas based on racial superiority, hatred, acts of violence or incitement to such acts, and that these prohibitions are consistent with freedom of opinion and expression;

18. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, as outlined in the report of the Special Rapporteur to the General Assembly;

19. *Underlines*, at the same time, the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

20. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur in his latest report to the General Assembly;

21. *Encourages* States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that their legislation incorporates the provisions of the Convention, including those of its article 4;

22. *Recalls* the request of the Commission on Human Rights, in its resolution 2005/5,[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

23. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-sixth session and to the Human Rights Council, reports on the implementation of the present resolution based on the views collected in accordance with the request of the Commission on Human Rights, as recalled by the Assembly in paragraph 22 above;

24. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly;

25. *Also expresses its appreciation* to representatives of civil society for their contribution to the fight against racism, racial discrimination, xenophobia and related intolerance;

26. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as extremist ideological movements;

27. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 22 above;

28. *Also encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through, but not exclusively through, the media;

29. *Decides* to remain seized of the issue.

Draft resolution II
International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 63/243 of 24 December 2008,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3]

Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations,[4] and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

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[1] United Nations, *Treaty Series*, vol. 660, No. 9464.

[2] A/CONF.157/24 (Part I), chap. III.

[3] See A/CONF.189/12 and Corr.1, chap. I.

[4] See CERD/SP/45, annex.

Recalling its resolution 63/243, in which the General Assembly decided to authorize the Committee to meet for an additional week per session, as a temporary measure, with effect from August 2009, until 2011, and noting that the additional meeting time has allowed the Committee to reduce the backlog of reports pending consideration,

Noting the report of the Secretary-General on the evaluation of the use of additional meeting time by the human rights treaty bodies,[5] the increasing workload of the treaty bodies and the increasing number of requests from them for more meeting time,

I
Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its seventy-fourth and seventy-fifth[6] and its seventy-sixth and seventy-seventh sessions;[7]

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the fact that a great number of reports, in particular initial reports, are overdue and continue to be overdue, which constitutes an obstacle to the full implementation of the Convention;

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Reiterates* that States parties, in line with article 8 of the Convention, should take into account, in their nomination of members to the Committee on the Elimination of Racial Discrimination, that the Committee shall be composed of persons of high moral standing and acknowledged impartiality, who shall serve in their personal capacity, and that consideration shall be given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems, and encourages States parties to give due regard to the nomination of persons having legal experience, as well as recognized competence in the field of human rights, and to the equal representation of women and men;

7. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular the Special

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[5] A/65/317.

[6] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 18* (A/64/18).

[7] Ibid., *Sixty-fifth Session, Supplement No. 18* (A/65/18).

Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant mechanisms of the Human Rights Council, as well as with intergovernmental and non-governmental organizations;

8. *Encourages* States parties to the Convention to continue to include a gender perspective in their reports to the Committee on the Elimination of Racial Discrimination, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

9. *Also encourages* States parties to the Convention to include information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance in their national reports to the universal periodic review mechanism of the Human Rights Council, and strongly encourages States parties to recognize those recommendations of the universal periodic review mechanism that originate from treaty body recommendations and treat them appropriately;

10. *Notes with appreciation* the engagement of the Committee in the follow-up to the Durban Declaration and Programme of Action;[3]

11. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and encourages the Committee to continue its activities in this regard;

12. *Welcomes*, in this regard, measures taken by the Committee to follow up on its concluding observations and recommendations, such as the appointment of a follow-up coordinator[8] and the adoption of the guidelines on follow-up;[9]

13. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting as well as to solving the problem of the backlog of reports of States parties in an effective manner, including by identifying efficiencies and maximizing the use of their resources as well as learning and sharing best practices and experiences in this regard;

14. *Notes* the persistent backlog of reports of States parties awaiting consideration, which prevents the Committee from considering the periodic reports of States parties in a timely manner and without undue delay, as well as the request of the Committee that the General Assembly approve one additional week of meeting time per session, starting in 2012;

15. *Decides* to extend the authorization to the Committee to meet for an additional week per session, as a temporary measure, in 2012, in order to address the backlog of reports of States parties and individual complaints awaiting consideration;

16. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session concrete and tailored proposals on the human rights treaty bodies, including the Committee on the Elimination of Racial Discrimination, building on the work of the Secretary-General pursuant to Human Rights Council

[8] Ibid., *Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[9] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

resolution 9/8[10] of 24 September 2008 and of the treaty bodies in this regard, to improve their effectiveness and to identify efficiencies in their working methods and resource requirements in order better to manage their workloads, bearing in mind budgetary constraints and taking account of the varying burdens on each treaty body;

II
Financial situation of the Committee on the Elimination of Racial Discrimination

17. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[11]

18. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

19. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

20. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

21. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-seventh session;

III
Status of the International Convention on the Elimination of All Forms of Racial Discrimination

22. *Recalls* the forty-fifth anniversary of the adoption of the Convention on the Elimination of All Forms of Racial Discrimination, and takes this opportunity to reiterate the call for the universal ratification and effective implementation of the Convention by all States parties to eliminate all forms of racial discrimination;

23. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[12]

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[10] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

[11] A/65/312.

[12] A/65/292.

24. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-three;

25. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination;

26. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action, and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

27. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

28. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at fifty-four, and requests States parties that have not yet done so to consider making that declaration;

29. *Invites* the Chairperson of the Committee on the Elimination of Racial Discrimination to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-seventh session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance";

30. *Decides* to consider, at its sixty-seventh session, under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", the reports of the Committee on its seventy-eighth and seventy-ninth and its eightieth and eighty-first sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

Draft resolution III
Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling its resolution 64/148 of 26 March 2010, in which it, inter alia, called for the 10-year commemoration of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[1] which represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, including by mobilizing political will at the national, regional and international levels, with a view to achieving concrete results,

Taking note of Human Rights Council decision 3/103 of 8 December 2006,[2] by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and encouraging the Committee to continue making progress in the discharge of its mandate,

Bearing in mind the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,[3]

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial

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[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

[3] See A/CONF.211/8.

discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Acknowledging the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action[1] for the successful realization of commitments undertaken at the World Conference,

Expressing grave concern at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, in particular key paragraphs 157 to 159 of the Programme of Action,[1]

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profiling and increasing the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

Welcoming the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions, held from 5 to 16 October 2009 and from 11 to 22 October 2010, respectively, in particular the recommendation on the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and looking forward to the consideration by the Human Rights Council of the conclusions and recommendations of the Working Group,

Recognizing the potential of sport as a universal language contributing to the education of people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

Welcoming the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and Brazil, respectively, and stressing the importance of making continuing use of those events to promote understanding, tolerance and peace, and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

I
General principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;[1]

4. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address those scourges vigorously with a view to preventing their practice and protecting victims;

5. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, incitement to such hatred, racial profiling and the propagation of racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

6. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

7. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

8. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property and birth;

9. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

10. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

11. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

12. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action,[1] to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communications technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

13. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

14. *Stresses* the responsibility of States to mainstream a gender perspective into the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

15. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[4] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

16. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

17. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest possible time;

18. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

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[4] United Nations, *Treaties Series*, vol. 660, No. 9464.

19. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

20. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[5] and article 5 of the Convention;

21. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

22. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

23. *Calls upon* Member States to do their utmost to ensure that their responses to the current financial and economic crisis do not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants and persons belonging to national, ethnic, religious and linguistic minorities all over the world;

III
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

24. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance[6] and the recommendations contained therein;

25. *Also takes note* of the work done by the Special Rapporteur, and welcomes Human Rights Council resolution 7/34 of 28 March 2008,[7] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

26. *Further takes note* of the reports of the Special Rapporteur,[8] and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained therein;

27. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

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[5] Resolution 217 A (III).

[6] A/65/295.

[7] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[8] A/65/295 and A/65/323.

28. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

29. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

30. *Requests* the High Commissioner to continue to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

31. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-sixth session;

32. *Requests* the Special Rapporteur, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights;

33. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

34. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination, xenophobia and related intolerance and to promote cultural, ethnic and religious diversity, and in that regard emphasizes the crucial role of education, including human rights education, training and learning, and a variety of awareness-raising measures which contribute to the creation of tolerant societies in which mutual understanding may be ensured;

35. *Recommends* that all States give due attention to and closely monitor the way in which the concept of national identity is debated within their societies, with a view to preventing it from being used as a tool to create artificial differences among some groups of the population;

36. *Expresses concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and a threat to social cohesion and, in this context, notes the numerous human rights challenges in combating racism, racial discrimination, xenophobia and related intolerance;

37. *Recommends* that States conduct human rights training, including on the challenges of racism, racial discrimination, xenophobia and related intolerance faced by migrants, refugees and asylum-seekers, for law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law;

38. *Also recommends* that States collect disaggregated data in order to design appropriate anti-racial-discrimination legislation and policies and monitor their effectiveness, while abiding by some key principles, including self-identification, the right to privacy, and guaranteeing the consent of those concerned, in the design and implementation of the exercise;

IV
Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference

39. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

40. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure the full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference, and in this regard welcomes the steps taken by numerous Governments;

41. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference of 2001;

42. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

43. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

44. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action,[1] including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;[9]

45. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action;

46. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in

[9] United Nations, *Treaty Series*, vol. 2220, No. 39481.

helping States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

47. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice, eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[10]

48. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

49. *Also acknowledges* that the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference are on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

50. *Decides* to hold a one-day high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, at the level of Heads of State and Government, on the second day of the general debate of the sixty-sixth session, under the theme "Victims of racism, racial discrimination, xenophobia and related intolerance: recognition, justice and development", consisting of an opening plenary meeting, consecutive round tables/thematic panels and a closing plenary meeting, and calls on the President of the General Assembly to appoint co-facilitators to conduct consultations on the scope, modalities, format and organization of the high-level meeting;

51. *Also decides* that the meeting will adopt a short and concise political declaration aimed at mobilizing political will at the national, regional and international levels for the full and effective implementation of the Durban Declaration and Programme of Action and its follow-up processes;

52. *Invites* Member States, international and regional organizations, civil society, including non-governmental organizations, and other stakeholders to organize and support various high-visibility initiatives, aimed at effectively increasing awareness at all levels, to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

53. *Requests* the Secretary-General to establish a programme of outreach, with the involvement of Member States and United Nations funds and programmes as well as civil society, including non-governmental organizations, to appropriately commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

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[10] Resolution 61/295, annex.

54. *Emphasizes* the critical importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization;

55. *Welcomes* the decision of the Human Rights Council to convene a panel discussion during the high-level segment of its sixteenth session focusing on the full enjoyment by people of African descent of their human rights, to mark the International Year for People of African Descent;[11]

56. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination;

57. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Department of Public Information of the Secretariat to launch a public information campaign for the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, including the wide distribution of user-friendly information materials through the United Nations system, inter alia, through United Nations information centres;

58. *Welcomes* the decision of the Human Rights Council to dedicate part of the programme of work at its seventeenth session, under the item entitled "Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action" to a discussion on, inter alia, best practices in the fight against racism, racial discrimination, xenophobia and related intolerance in the context of the tenth anniversary of the Durban Declaration and Programme of Action during the high-level segment of the General Assembly;[11]

59. *Also welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration,[1] expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

60. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up on the World Conference and the Durban Review Conference;

61. *Calls upon* the Human Rights Council to ensure that, upon the consideration and adoption of the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the recommendations are brought to the attention of the relevant United Nations agencies for adoption and implementation within their respective mandates;

62. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action[1] for the successful realization of commitments

[11] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. III, sect. A, resolution 14/16.

undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

63. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, and the Ad Hoc Committee on the Elaboration of Complementary Standards;

64. *Recalls* the request to the Human Rights Council to consider necessary measures to enhance the effectiveness of the follow-up mechanisms for the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in the work of those mechanisms, and looks forward to the discussions with a view to enhancing the interface among and focus of the follow-up mechanisms in order to achieve greater synchronization and coordination at all levels, within their respective mandates, including through the restructuring and reorganization of their work, if deemed appropriate by the Council, and to allow joint discussions and meetings;

65. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

66. *Welcomes* the historic and unique dimension of the 2010 International Federation of Association Football World Cup in South Africa, which marked the first time that this major sporting event was held on the African continent;

67. *Expresses serious concern* at recent incidents of racism at sporting events targeting, in particular, Africans and people of African descent, and recalls the need to reverse this legacy of racism;

68. *Expresses its appreciation*, in this context, to the International Federation of Association Football for the initiative to introduce a visible theme on non-racism in football, and invites the Federation to continue this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

69. *Calls upon* States to take advantage of mass sporting events as valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination;

70. *Acknowledges* the guidance and leadership role of the Human Rights Council, and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference;

71. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the necessary support for it to achieve its objectives in this regard;

V
Follow-up activities

72. *Strongly recommends* that future meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

73. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the implementation of the present resolution, with recommendations;

74. *Decides* to remain seized of this important matter at its sixty-sixth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

28. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly takes note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action[1] and the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.[2]

[1] A/65/377.

[2] See A/65/295.